

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #10 – POST-TRAUMATIC STRESS DISORDER (PTSD)**

You have determined that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by pointing his gun at Plaintiff James Burk, that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by using excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, and that Defendants Joseph Fihe and Kevin Winchell violated Plaintiff James Burk's constitutional rights by subjecting him to an unlawful detention when they placed him in Officer Winchell's patrol car.

Do you find, by a preponderance of the evidence, that one or more of these constitutional violations was a direct and proximate cause of Plaintiff James Burk's Post-Traumatic Stress Disorder (PTSD)?

YES

X

NO

If yes, state the amount of noneconomic damages to be awarded to Plaintiff James Burk for his PTSD.

Amount: \$ 900,000

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #10 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #10.

DATE: 11-15-24



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #11 – VERDICT FORM**

We, the jury, make the findings above as to Special Verdict #11.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #12 – LOSS OF CONSORTIUM**

You have determined that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by pointing his gun at Plaintiff James Burk, that Defendant Joseph Fihe violated Plaintiff James Burk's constitutional rights by using excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, and that Defendants Joseph Fihe and Kevin Winchell violated Plaintiff James Burk's constitutional rights by subjecting him to an unlawful detention when they placed him in Officer Winchell's patrol car.

Do you find, by a preponderance of the evidence, that one or more constitutional violations was a direct and proximate cause of Plaintiff Summer Hilfers' loss of consortium, which includes services, society, companionship, comfort, sexual relations, love, and solace?

YES

**X**

NO

If yes, state the amount of damages to be awarded to Plaintiff Summer Hilfers for loss of consortium.

Amount: \$ 400,000

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #12 – VERDICT FORM**

We, the jury, make the findings above as to Special Verdict #12.

DATE: 11-15-24

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #13 – RIGHT SHOULDER INJURY – NONECONOMIC DAMAGES**

Do you find, by a preponderance of the evidence, that Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car was a direct and proximate cause of Plaintiff James Burk's right shoulder injury?

YES

NO

**X**

If yes, state the amount of noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, to be awarded to Plaintiff James Burk for his shoulder injury.

Amount: \$ \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #13 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #13.

DATE: 11-15-24



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #14 – POINTING GUN – NONECONOMIC DAMAGES**

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of Defendant Joseph Fihe's use of excessive force in pointing his gun at Plaintiff James Burk, state the amount of such noneconomic damages.

Amount: \$ 300,000

If you choose to award no noneconomic damages as a result of Defendant Joseph Fihe's use of excessive force in pointing his gun at Plaintiff James Burk, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$ \_\_\_\_\_



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #15 – EXCESSIVE FORCE IN PLACING MR. BURK IN PATROL CAR  
– NONECONOMIC DAMAGES**

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, state the amount of such noneconomic damages.

Amount: \$

0

If you choose to award no noneconomic damages as a result of Defendant Joseph Fihe's use of excessive force in placing Plaintiff James Burk in Officer Winchell's patrol car, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #15 – VERDICT FORM

We, the jury, make the findings above as to Special Verdict #15.

DATE: 11-15-24

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #16 – UNLAWFUL DETENTION – NONECONOMIC DAMAGES

If you find that Plaintiff James Burk is entitled to noneconomic damages, including pain and suffering, mental anguish, embarrassment, humiliation, and any other intangible loss, as a result of his unlawful detention in Officer Winchell's patrol car, state the amount of such noneconomic damages.

Amount: \$

0

If you choose to award no noneconomic damages as a result of his unlawful detention in Officer Winchell's patrol car, you may award nominal damages, such as \$1. If you choose to award nominal damages, state the amount.

Amount: \$

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**James A. Burk & Summer Hilfers,**

**Plaintiffs,**

**v.**

**Joseph Fihe & Kevin Winchell,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2:20-cv-06256**

**Judge Graham**

**SPECIAL VERDICT #16 – VERDICT FORM**

We, the jury, make the findings above as to Special Verdict #16.

DATE: 11-15-24

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James A. Burk & Summer Hilfers,

Plaintiffs,

v.

Joseph Fihe & Kevin Winchell,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:20-cv-06256

Judge Graham

SPECIAL VERDICT #17 – PUNITIVE DAMAGES – DEFENDANT JOSEPH FIHE

Have Plaintiffs proven, by a preponderance of the evidence, that Defendant Joseph Fihe acted maliciously, or wantonly, or oppressively in the course of violating the constitutional rights of Plaintiff James Burk?

YES



NO

\_\_\_\_\_

If Yes, state the amount of punitive damages, if any, you choose to award against Defendant Joseph Fihe.

Amount: \$ 10,000

	:	
<b>James A. Burk &amp; Summer Hilfers,</b>	:	
	:	<b>Case No. 2:20-cv-06256</b>
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>Judge Graham</b>
	:	
<b>Joseph Fihe &amp; Kevin Winchell,</b>	:	
	:	
<b>Defendants.</b>	:	

We, the jury, make the findings above as to Special Verdict #17.

DATE: 11-15-24





## 18